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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 BANK OF NEW YORK MELLON,

9 Plaintiff,

10 vs.

11 JEAN BIRMINGHAM, *et al.*,

12 Defendants.
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) Case No. 2:17-cv-01030-MMD-GWF
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ORDER

14 This matter is before the Court on Plaintiff Bank of New York Mellon's Motion to Stay All
15 Discovery Pending Resolution of Pending Motion for Partial Summary Judgment (ECF No. 51), filed
16 on October 27, 2017. Defendant SFR Investment Pool 1, LLC ("SFR") filed its Response (ECF No.
17 56) and its Counter Motion to Stay Case Pending Resolution of Certified Question (ECF No. 57) on
18 November 13, 2017. Plaintiff filed its Reply (ECF No. 63) and Response to Counter Motion (ECF
19 No. 64) on November 15, 2017.

20 Plaintiff requests a stay of discovery pending a ruling on its partial motion for summary
21 judgment based on the ruling in *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832 F.3d 1154
22 (9th Cir. 2016). Defendant SFR opposes a stay of discovery pending a resolution on Plaintiff's
23 motion for partial summary judgment and countermoves to stay all proceedings pending a decision on
24 the certified question currently pending before the Nevada Supreme Court. Defendant argues that the
25 decision on the certified question will likely dispose of many or all of the issues in the instant case.
26 Because the decision on the certified question to the Nevada Supreme Court directly affects the
27 viability of *Bourne Valley* and any dispositive motion that relies on that ruling, the Court finds that a
28 complete stay pending the final resolution of the certified question is warranted in this case.

1 Accordingly,

2 **IT IS HEREBY ORDERED** Plaintiff Bank of New York Mellon's Motion to Stay All
3 Discovery Pending Resolution of Pending Motion for Partial Summary Judgment (ECF No. 51) is
4 **denied.**

5 **IT IS FURTHER ORDERED** that Defendant SFR's Counter Motion to Stay Case Pending
6 Resolution of Certified Question (ECF No. 57) is **granted.**

7 **IT IS FURTHER ORDERED** that all proceedings in this case are stayed pending the
8 Nevada Supreme Court's ruling on the certified question posed in *The Bank of New York Mellon v.*
9 *Star Hill Homeowners Association, et al.*, Case No. 2:16-cv-02561-RFB-PAL, [ECF No. 41].

10 DATED this 1st day of December, 2017.

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13 GEORGE FOLEY, JR.
14 United States Magistrate Judge
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